IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1084 of 2007()

AGAINST THE ORDER IN CRMP 512/2007 IN
CRMP.510/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.30/2007 OF EROOR POLICE STATION

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: PETITIONERS: ACCUSED NOS.1 AND 2:

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1. SAIJU @ SHAIJU, AGED 34,
S/O. KUMARAN, CHITHIRA HOUSE, PANAYAM MURI,
EROOR VILLAGE, KOLLAM DISTRICT.

2. BAIJU, AGD 34,
S/O. SURENDRAN, SANKARAMANGALATH HOUSE,
EROOR MURI, EROOR VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.B.RAMAN PILLAI
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MOHAMMED
SRI.T.K.KUNHABDULLA

RESPONDENTS: COMPLAINANT:

STATE, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, ALONG WITH BA NO. 1102 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos. 1084 and 1102 OF 2007

Dated this the 28th day of February, 2007

O R D E R

The common petitioners in these applications for regular bail are accused Nos.1 and 2 in Crime Nos.30/2007 and 31/2007 of Eroor Police Station. Crime No.30/2007 has been registered for offences punishable under Sections 452, 427, 294(b) and 506(ii) read with section 34 IPC. Crime No.31/2007 has been registered for offences punishable under sections 451, 427, 294(b), 353 and 332 read with section 34 IPC and section 3(2)(c) of the P.D.P.P. Act. The petitioners were arrested on 5.2.2007.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor opposed the applications submitting, inter alia, that the first accused is an accused in nine cases and second accused is an accused in six cases and that both are habitual offenders and known goondas, whose release on bail will give rise to severe law and order problem, especially when in Crime No.31/2007 they had attacked the police officials while at the police station.

3. In as much as, as per Annexure-A complaint there is sufficient motive attributed to the police and also since the petitioners are said to have been granted bail in the other cases, I am inclined to

grant bail to the petitioners but from a future date and on appropriate conditions safeguarding the interest of the prosecution as well. Accordingly, the petitioners are directed to be released on bail with effect from 12.3.2007 on each of them executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount in each of the above crimes to the satisfaction of the J.F.C.M.-I, Punalur and subject to the following conditions:

a. The petitioners shall report before the Circle Inspector of Police, Anchal between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioners shall not enter the limits of the Eroor village until further orders.

c. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

These applications are allowed as above.

(V. RAMKUMAR, JUDGE)

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